

Draft proposed regulations

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Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 68 COMMUNITY HEALTH WORKERS

Chapter 03 Community Health Worker Specialty Certification and Training

Authority: Health-General Article, §13-3705, Annotated Code of Maryland

All New Text

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Applicant” means either;

(a) a certified community health worker who applies to the Department for a specialty certification; or

(b) an entity seeking approval to provide a specialty certification training module.

(2) “Application” means an application for either:

(a) specialty certification; or

(b) specialty certification training module.

(3) “Approval” means the approval issued by the Department to an applicant for a specialty certification module.

(4) “Certificate” means a certificate issued by the Department to authorize an individual who meets the requirements of COMAR 10.68.01 to represent themselves to the public as a certified community health worker in the State.

- (5) "Certified community health worker (CCHW)" means an individual who has successfully met the requirements stated in COMAR 10.68.01.
- (6) "Community health worker (CHW)" has the meaning set forth in Health-General Article, §13-3701, Annotated Code of Maryland.
- (7) "Department" means the Maryland Department of Health.
- (8) "Professional development activities" means knowledge and skill building opportunities related to domains in the specialty certification that may include:
 - (a) Courses;
 - (b) Webinars;
 - (c) Conferences;
 - (d) Workshops;
 - (e) Trainings;
 - (f) Lectures; or
 - (g) Published papers in professional journals, papers approved for publication, or papers that have been peer reviewed.
- (9) "Specialty certification" means a certification in a specialty area issued by the Department to authorize a CCHW who meets the requirements of this chapter to represent to the public as having a specialty certification in the State.
- (10) "Specialty certification training module" means a CHW specialty certification training module that meets the requirements of this chapter and has been approved by the Department.

.02 Application Procedures.

- A. Qualified Community Health Worker Specialty Certification Applicant. A qualified applicant is an individual who:
 - (1) Is a certified community health worker; and
 - (2) Is eligible to be exempt from the training requirements as set forth in Regulation .03C of this chapter, or
 - (3) Has successfully completed a CHW specialty certification training module.
- B. To obtain a community health worker specialty certification, the applicant shall submit to the Department:
 - (1) A completed application on a form provided by the Department;

- (2) An initial application fee set by the Department in regulation; and
- (3) Documentation of training within two years of completing an approved CHW specialty certification training module or training exemption requirements set forth in this chapter.

C. Incomplete Applications

- (1) An application is not complete until the Department has received all the materials required under this chapter.
- (2) If an incomplete application is submitted to the Department, the Department shall:
 - (a) Notify the applicant within 30 calendar days after receipt of the incomplete application; and
 - (b) Specify the materials required to be submitted to complete the application.
- (3) If the applicant fails to provide the required documentation within 120 calendar days of notification, the Department may:
 - (a) Administratively close the application; or
 - (b) Deny the application, pursuant to the requirements set forth in this chapter.
- (4) The Department may not refund a fee if an application is administratively closed or denied.
- (5) An applicant whose application is administratively closed or denied may reapply and submit with the new application documentation in compliance with the requirements of this chapter.

.03 Specialty Certification Training Module Requirements.

~~A. An applicant shall apply for approval to offer a specialty certification training module in accordance with COMAR 10.68.02.02.~~

~~B.~~ To obtain approval to offer a **CHW** specialty certification training module, an entity shall:

- (1) Meet the requirements set forth in this chapter;
- (2) Obtain from the Department and submit to the Department an application; and
- (3) Pay to the Department a fee set by the Department in regulation.

B. Approval Requirements.

- (1) All specialty certification training modules shall be approved by the Department.
- (2) The approval shall be issued before an entity may offer a specialty certification training module.

C. The Department may provide technical assistance to entities applying for approval for a specialty certification training module to meet the requirements set forth in this chapter.

D. Incomplete Applications.

- (1) An application is not complete until the Department has received all the materials required under this chapter.
- (2) If an incomplete application is submitted to the Department, the Department shall notify the applicant within 30 calendar days after receipt of the incomplete application of the materials that are required to be submitted to complete the application.
- (3) If the applicant fails to provide the required documentation within 120 calendar days of notification, the Department may:
 - (a) Administratively close the application; or
 - (b) Deny the application, pursuant to Regulation .03H of this chapter.
- (4) An applicant whose application is administratively closed or denied may reapply and submit with the new application documentation in compliance with the requirements of this chapter.

E. Application Review. Upon receipt of a completed application, the Department shall:

- (1) Accept and review applications for approval of a specialty certification training module on a rolling basis as applications are submitted;
- (2) Acknowledge receipt of an application within 10 calendar days after receiving the application;
- (3) Act on an application within 60 calendar days after the applicant has met all the application requirements; and
- (4) Make a decision regarding application approval within 120 calendar days.

F. Application Review Committee.

- (1) Specialty certification training module applications will be reviewed by a Community Health Worker Training Program Application Review Committee as established in COMAR 10.68.02.04.
- (2) The Review Committee shall review specialty certification training module applications to determine whether a specialty certification training module application meets the requirements set forth in this chapter.
- (3) The Review Committee shall forward recommendations for approval of eligible specialty certification training modules to the Secretary.
- (4) The Secretary may approve and direct the Department to approve a specialty certification training module if the applicant:
 - (a) Satisfies the requirements set forth in this chapter;
 - (b) Pays to the Department a fee set by the Department in regulation; and
 - (c) Participates in an on-site visit, if deemed necessary by the Department.

G. Approval of Specialty Certification Training Module Application. If the Department approves a specialty certification training module, the Department shall send the applicant written notice that the specialty certification training module is approved.

H. Denial of Approval Application.

- (1) The Department may deny approval if it determines that the applicant has:
 - (a) Not complied fully with the applicable requirements described in this chapter;
 - (b) Failed to remit a fee; or
 - (c) Failed to complete the application form.
- (2) If the Department denies approval, the Department shall:
 - (a) Send the applicant written notice of the Department's denial of approval, including specific deficiencies; and
 - (b) Notify the applicant of the opportunity to appeal the denial and to request an informal hearing.

- (3) Within 30 calendar days after receipt of the denial, the applicant may submit to the Department either:
 - (a) A written plan that sets forth the steps taken by the applicant to meet the applicable requirements described in this chapter; or
 - (b) A written response setting forth documentation that the specialty certification training module is meeting and maintaining each of the applicable requirements described in this chapter.
- (4) Based on the deficiencies and the program's written response, if any, the Department may approve or deny the application.
- (5) The Department may not refund a fee if an approval is denied.
- I. Unless the Department suspends or revokes a specialty certification training module approval, the approval is effective from the date issued.
- J. Without the Department's approval, an entity providing a specialty certification training module may not substantively modify an approved specialty certification training module in a way that results in the module no longer satisfying the requirements under this chapter.
- K. The Department may suspend or revoke the approval of any specialty certification training module which:
 - (1) No longer meets the requirements established under this chapter;
 - (2) Fails to submit in a timely manner:
 - (a) Any information requested by the Department; or
 - (b) Notification of curriculum modification;
 - (3) Falsifies specialty certification training module information; or
 - (4) Fails to comply with applicable laws or regulations.
- L. The Department shall send written notice of the suspension or revocation of approval to the entity providing the specialty certification training module and identify the specific deficiencies.
- M. Within 30 calendar days after receipt of written notice, the entity providing the specialty certification training module may submit to the Department:
 - (1) A written plan by the entity providing the specialty certification training module to meet the applicable deficiencies; or

- (2) A written response setting forth documentation that the specialty certification training module is meeting and maintaining each of the applicable requirements described in this chapter.
- N. Based on deficiencies and response of the entity providing the specialty certification training module, if any, the Department may suspend, revoke, or reinstate approval.
- O. **Appealing a Decision to Suspend or Revoke Approval.**
- (1) An entity providing the specialty certification training module may appeal the decision to suspend or revoke the approval by submitting a request in writing to the Department within 30 calendar days of the date on the notice of suspension or revocation of approval.
 - (2) If an entity providing the specialty certification training module submits an appeal, the Department shall within 60 calendar days:
 - (a) Grant or deny the appeal; and
 - (b) Respond in writing to the entity providing the specialty certification training module:
 - (i) Indicating whether the appeal has been granted or denied; and
 - (ii) Providing an explanation of the decision.
 - (3) The Department may not refund a fee if an approval is suspended or revoked.
- P. An entity providing the specialty certification training module may request an informal hearing within 10 calendar days after receipt of written notice.
- Q. After receiving the request, the Department shall hold an informal hearing.

.04 Specialty Certification Applicant Training Requirements

- A. An applicant for community health worker specialty certification shall provide documentation of successful completion of an approved CHW specialty certification training as set forth in this chapter.
- B. **Exemption from Training Requirements**
- (1) The Department may exempt an individual from the training requirements set forth in this chapter if the applicant provides documentation of:
 - (a) The completion of a minimum of 1,000 hours of CHW paid or volunteer experience in the specialty area 5 years prior to the application date.

- (b) A minimum of two letters of validation, on a form that the Department requires, from a current or former CHW employer, supervisor, or agency representative that recommend the individual for specialty certification and validate the minimum of 1,000 hours of required experience; and
 - (c) Proficiency in the specialty certification domains specified in section .05 of this chapter to be detailed by the applicant and verified in writing by a CHW employer, supervisor, or agency representative.
- (2) The deadline for submission of an application for exemption from the training requirements under this section is two years from regulation adoption of each specialty certification training module.
 - (3) An applicant may request an extension to submit an application, not to exceed 60 days, if:
 - (a) The applicant submits documentation of good cause for an extension; and
 - (b) The Department determines that an extension is reasonable under the circumstances.

.05 Specialty Certification Training Module and Professional Development Requirements.

A. Chronic Disease Management: Diabetes

- (1) A Chronic Disease Management: Diabetes specialty certification training module shall:
 - (a) Provide a minimum of 25 hours of instruction;
 - (b) Verify successful completion of an additional 50 hours of supervised experience;
 - (c) Employ a training module that incorporates, at a minimum, the following domains:
 - (i) Explain principles of chronic disease management for community health workers;
 - (ii) Define prediabetes and diabetes prevention;
 - (iii) Define diabetes and types of diabetes;
 - (iv) Describe potential impacts of diabetes;

- (v) Explain the importance of monitoring blood glucose levels;
 - (vi) Support adherence to medication administration and medication regimen;
 - (vii) Explain the steps in lifelong diabetes management;
 - (viii) Identify and provide resources for individuals at risk of developing diabetes or who have been diagnosed with diabetes;
 - (ix) Describe how diabetes affects pregnancy; and
 - (x) Explain the importance of age and developmental level for children and youth with diabetes; and
- (d) Include an objective knowledge assessment.
- (2) Professional development for renewal of specialty certification in Chronic Disease Management: Diabetes shall include:
- (a) Satisfactory documentation of completion of 6 hours of a broad range of professional development activities:
 - (i) in subjects relevant to domains in the specialty certification; and
 - (ii) in addition to the CCHW certificate renewal requirements in COMAR 10.68.01.; and
 - (b) A written explanation of acquired knowledge and/or skill application of duties in the specialty certification on a form that the Department requires.

.06 Action on Application

- A. Upon review of a completed application, the Department shall:
- (1) Approve the issuance of a specialty certification to the applicant if the applicant meets the requirements specified in this chapter;
 - (2) Request additional information to make a determination; or
 - (3) Deny the issuance of a specialty certification to the applicant.
- B. Approval
- (1) If the Department approves the issuance of a specialty certification to an applicant,

the Department shall:

- (a) Send the applicant a written notice that the applicant is qualified for a specialty certification; and
- (b) List the specialty certification on the applicant's CCHW certificate.

C. Denial .

- (1) The Department may deny the issuance of a specialty certification if it determines the applicant has:
 - (a) Not met the training requirements as set forth in this chapter;
 - (b) Failed to remit a fee; or
 - (c) Failed to complete the application form.
- (2) If the Department denies the issuance of a specialty certification, the Department shall:
 - (a) Send the applicant written notice of the Department's denial of the Issuance of a specialty certification, including specification of deficiencies; and
 - (b) Notify the applicant of the right to appeal the denial and to request a formal hearing.
- (3) An applicant who has been denied the issuance of a specialty certification by the Department may reapply and submit new application documentation in compliance with the requirements of this chapter.
- (4) **Appealing a Decision to Deny Issuance of a Specialty Certification.** An applicant may appeal the decision to deny issuance of a specialty certification by submitting a request in writing to the Department within 30 calendar days of the date on the notice of denial of the specialty certification.
- (5) If an applicant submits an appeal, the Department, within 60 calendar days, shall:
 - (a) Sustain or reverse the decision on the application; and
 - (b) Provide written notice to the applicant:
 - (i) Indicating whether the decision on the application has been sustained or reversed; and

(ii) Providing an explanation of the decision.

(6) The Department may not refund a fee if the specialty certification is denied.

D. An applicant may request a hearing within 10 calendar days after the date of written notice of the Department's denial of the issuance of a specialty certification. When the Department receives the request, it will follow hearing procedures in accordance with COMAR 10.01.03.

.07 Specialty Certification Representation.

An individual shall receive a CHW specialty certification by the Department before the individual may represent to the public that the individual has a CHW specialty certification.

.08 Expiration and Renewal.

A. Unless the Department suspends or revokes the specialty certification, the specialty certification:

- (1) Is added to the current CCHW certificate issued to the applicant;
- (2) Is effective until the current CCHW certificate expires; and
- (3) Authorizes the individual to represent themselves to the public that the individual has a CHW specialty certification.

B. At least 90 calendar days before the specialty certification expires, the Department shall send to the certified community health worker, by electronic or first-class mail to the last known electronic or physical address, a renewal notice that states:

- (1) The date on which the specialty certification expires;
- (2) Any required renewal submission requirements;
- (3) The date by which the renewal application shall be received by the Department for the specialty certification renewal to be issued; and
- (4) The amount of a renewal fee.

C. The certificate holder shall notify the Department if a specialty certification renewal notice is not received within 60 calendar days before the required renewal date.

D. The Department shall renew the specialty certification of a certified community health

worker who:

- (1) Is eligible to obtain a specialty certification;
- (2) Pays to the Department a renewal fee set by the Department in regulation; and
- (3) Submits to the Department:
 - (a) A renewal application on the form required by the Department; and
 - (b) Satisfactory documentation of professional development requirements for specialty certification.

E. Renewal applications shall be received 30 calendar days prior to the certificate expiration date.

.09 Reinstatement of Specialty Certification Due to Nonrenewal.

A. The Department shall reinstate the specialty certification of a certified community health worker who has failed to renew the specialty certification, if the individual:

- (1) Has not had the specialty certification suspended or revoked;
- (2) Submits to the Department documentation of:
 - (a) Satisfactory documentation of professional development requirements for the specialty certification; and
 - (b) A written explanation of acquired knowledge and/or skill application of duties within the 2-year period immediately preceding the date of renewal;
- (3) Applies to the Department for reinstatement of the specialty certification before 2 years after the specialty certification expires;
- (4) Pays to the Department a renewal fee set by the Department in regulation; and
- (5) Meets the requirements for specialty certification set forth by the Department.

B. If a CHW is not eligible for reinstatement of a specialty certification under this chapter, the community health worker may be eligible for the issuance of a specialty certification by meeting the current requirements for obtaining a new specialty certification under this chapter.

.10 Suspension or Revocation of a Specialty Certification.

- A. The Department may suspend or revoke the specialty certification of a community health worker who no longer meets the requirements established under this chapter.
- B. Subject to the hearing provisions of COMAR 10.01.03, the Department may suspend or revoke a specialty certification if the individual:
 - (1) Fraudulently or deceptively obtains or attempts to obtain a specialty certification for a community health worker or for another individual;
 - (2) Fraudulently or deceptively uses a specialty certification; and
 - (3) Otherwise fails to meet substantially the standards for a specialty certification adopted under this chapter;
- C. The Department shall proceed with the suspension or revocation in accordance with the provisions in COMAR 10.01.03.
- D. The Department shall send written notice of intent to suspend or revoke a specialty certification to the individual and identify the specific deficiencies.
 - (1) The Department may suspend or revoke a CCHW certificate in accordance with COMAR 10.68.01.09 if the CCHW specialty certification has been suspended or revoked.
- E. Within 30 calendar days after receipt of written notice, the individual may submit to the Department:
 - (1) A written plan by the individual to meet the applicable deficiencies; or
 - (2) A written response setting forth documentation that the individual is meeting and maintaining each of the applicable requirements as set forth in this chapter.
- F. Based on deficiencies and the individual's response, if any, the Department may suspend, revoke, or reinstate a specialty certification.
- G. **Appealing the Decision to Suspend or Revoke a Specialty Certification.**
 - (1) An individual may appeal the decision to suspend or revoke a specialty certification by submitting a request in writing to the Department within 30 calendar days of the date on the notice of suspension or revocation of a specialty certification.

(2) If an individual submits an appeal, the Department, within 60 calendar days, shall:

(a) Grant or deny the appeal; and

(b) Send individual written notice:

(i) Indicating whether the appeal has been granted or denied; and

(ii) Providing an explanation of the decision.

(3) The Department may not refund a fee if a specialty certification is suspended or revoked.

H. An individual may request a hearing within 10 calendar days after receipt of written notice.

I. When the Department receives the request, it will follow hearing procedures in accordance with COMAR 10.01.03.